

WHEREAS, the United States Attorney's Office, District of New Jersey, has filed an information in the DelPresto Parallel Criminal Proceeding and an indictment in the Toomer Parallel Criminal Proceeding, each of which relates substantially to the allegations in the Complaint;

WHEREAS, Defendants DelPresto and MLF Group desire to have the DelPresto Parallel Criminal Proceeding resolved prior to the above-captioned civil action and Defendant Toomer desires to have the Toomer Parallel Criminal Proceeding resolved prior to the above-captioned civil action; and

WHEREAS, the Commission does not object to entry of a stay of the above-captioned civil action against DelPresto, MLF Group, and Toomer (collectively, "Defendants") as specified herein.

IT IS THEREFORE STIPULATED AND AGREED by and between the undersigned counsel for Defendants and the Commission as follows:

1. All proceedings in the above-captioned civil action against Defendants are hereby stayed pending resolution of the DelPresto Parallel Criminal Proceeding and the Toomer Parallel Criminal Proceeding, except as provided herein.
2. This stay shall not alter the substantive and other procedural rights of the parties, including the Commission's right to continue to investigate matters related to the conduct alleged in the Complaint, and such rights are not waived and are expressly reserved.
3. This stay shall continue as to Defendants DelPresto and MLF Group until a judgment is entered in the DelPresto Parallel Criminal Proceeding.
4. This stay shall continue as to Defendant Toomer until a judgment is entered in the Toomer Parallel Criminal Proceeding.

5. After judgments are entered in the DelPresto Parallel Criminal Proceeding, counsel for Defendants DelPresto and MLF Group and the Commission shall meet and confer, within thirty (30) days, in a good faith effort to agree upon the date by which DelPresto and MLF Group must move or answer or otherwise respond to the Complaint in the above-captioned civil action, as well as the date(s) for further proceedings in the above-captioned civil action.

6. After judgments are entered in the Toomer Parallel Criminal Proceeding, counsel for Toomer and the Commission shall meet and confer, within thirty (30) days, in a good faith effort to agree upon the date by which Toomer must move or answer or otherwise respond to the Complaint in the above-captioned civil action, as well as the date(s) for further proceedings in the above-captioned civil action.

Dated: New York, New York
February 4, 2016

SECURITIES AND EXCHANGE COMMISSION

By: _____

Nancy A. Brown

Securities and Exchange Commission
200 Vesey Street, Suite 400
New York, New York 10281-1022
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Dated: Roseland, New Jersey
February 3, 2016

Attorneys for Plaintiff
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By: 

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(973) 422-9200

Attorneys for Defendant Donald Toomer

Dated: Chatham, New Jersey
February __, 2016

ARSENAULT & FASSETT, LLP

By: _____

John D. Arsenault

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(973) 635-3366

Attorneys for Defendants Samuel DelPresto and MLF
Group, LLC

SO ORDERED:

UNITED STATES DISTRICT JUDGE

Dated: Roseland, New Jersey
February __, 2016

Attorneys for Plaintiff
CRITCHLEY, KINUM & VAZQUEZ, LLC

By: _____
Michael Critchley

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Dated: Chatham, New Jersey
February 3, 2016


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Group, LLC

SO ORDERED: 2/8/16


UNITED STATES DISTRICT JUDGE